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COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 39th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 3 April 1997, at 9 p.m.

Chairman: Mrs. BAUTISTA (Philippines)
(Vice-Chairman)

later: Mr. SOMOL (Czech Republic)
(Chairman)

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In the absence of Mr. Somol (Czech Republic), Mrs. Bautista (Philippines) Vice-Chairman, took the Chair.

The meeting was called to order at 9 p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

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(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1997/3, 35-42, 43 and Add.1, 44-46, 47 and Add.1, 2, 3 and 4 and 119; E/CN.4/1997/NGO/10, 24 and 28; A/51/483 and Add.1 and 506 and Add.1)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 18) (continued) (E/CN.4/1997/84-86 and 88-90; E/CN.4/1997/NGO/33 and 63; A/51.453 and Add.1)

1. Mrs. BAUTISTA (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that the problem of internal displacement was affecting more and more countries. In Colombia, just a few days previously, some 8,000 farmers and peasants had fled from paramilitary groups in a three-week march through the jungle to urban areas, during which many babies and pregnant women had died, while in another area of the country, a further 5,000 peasants had been driven from their homes. The peasants blamed paramilitary groups for those crimes, but the military authorities put them down to guerrilla "tactics", disdaining to establish the true causes.

2. The high number of displaced persons in Guatemala was also a major cause of concern. Attacks on returnee communities made it urgent to complete the demobilization of the Civilian Self-Defence Patrols (PACs) and the Voluntary Civil Defence Committees (CVDCs). The lack of documentation was making it difficult for displaced people to exercise basic civic rights, and her organization regarded renewal of the mandate of the Independent Expert on the situation of human rights in Guatemala as absolutely essential.

3. Ms. KEHL-LAUFF (International Alliance of Women) said that even in "safe" Switzerland there had recently been an increase of about 10 per cent in rape cases, underlining the need for such violence to be vigorously opposed everywhere in the world. Unless progress could be achieved, women might be forced into taking measures of self-defence. She welcomed the increasing inclusion of the gender perspective in national statistics and hoped it would also find a place in all reports of special rapporteurs and working groups of

the international organizations. She was heartened by the support expressed by the representatives of Finland, Uganda and Poland for the valuable work of the Special Rapporteur on violence against women, and welcomed the assurances given by the Chinese and United States delegations of their willingness to help in the fight for women's and children's rights.

4. Mr. PANDITA (Himalayan Research and Cultural Foundation) said that the three broad causes of mass exoduses and displacements were inter-ethnic friction, pursuit of vested political interests, and attempts by religious extremists to establish theocratically constituted States. The third cause, which was regrettably overlooked in the reports of special rapporteurs and of the High Commissioner for Human Rights, had resulted in mass exoduses and displacements in various regions of Afghanistan, in Tajikistan, where 600,000 people had been internally displaced and 90,000 exiled since the declaration of independence in 1991, and in the Kashmir region, where the entire Pandit community of 300,000 people had been forced into exile seven years previously.

5. Yet, in the report on his visit to India (E/CN.4/1997/91/Add.1), the Special Rapporteur on the question of religious intolerance devoted only two rather opaque sentences to the mass exodus of the entire Pandit religious minority, and made no reference at all to the massacre of 1,500 people by religious extremists, and the widespread destruction of their places of worship and their property. Similarly, no sufficient mention was made in the High Commissioner's report of the multiple obstacles put in the way of the return of displaced persons, identified as enemies and treated with hostility by local authorities.

6. His organization fully endorsed the need for institution-building and for legislation to protect the human rights of religious and ethnic minorities, and agreed with the emphasis placed by the UNHCR Executive Committee on the importance of adequate support for the sustainable reintegration of returnees.

7. Mr. MATAS (Human Rights Internet) said that he wished to draw the Commission's attention to multiple violations by the Government of Canada of the human rights of refugees and displaced persons. Article 3 of the Universal Declaration on Human Rights was violated by a refugee determination system that allowed for no appeal, as was article 5 on freedom from cruel, inhuman or degrading treatment by the removal of long-term residents without a hearing, and by the proposed abolition of the deferred removal orders class. By systematically refusing to recognize the identity of refugees unable to produce "satisfactory" documents from their countries of origin, the Government was violating article 6, the right to recognition as a person, and the right to equality before the law and to equal protection, under article 7.

8. The right of return, under article 13, paragraph 2, was being violated by the expulsion of persons, who had come to Canada as children, because of crimes they committed as adults. The system of visa requirements resulted in an effective denial of the right to seek asylum, guaranteed by article 14, paragraph 1, and the regulation disallowing family visits to refugees, without permanent resident status, the right to protection of the family unit, under article 16, paragraph 3.

9. There appeared to be no satisfactory remedy in the United Nations system for such violations. The Office of the High Commissioner for Refugees was not an independent human rights body but an intergovernmental agency. While the Convention relating to the Status of Refugees obliged States to report to the High Commissioner on implementation, it imposed no obligation on him or her to report to the Commission or any other body on the compliance of individual signatory States.

10. To make the Convention effective, an optional protocol establishing an independent body of experts to whom States parties to the Convention would be obliged to report, and a second optional protocol allowing for a right of individual petition were clearly required. The report of the High Commissioner on Human Rights on human rights and mass exoduses should provide a mechanism for refugees and displaced persons - which would require increased effort from the Centre for Human Rights, supported by increased resources, and more leadership and direction from the High Commissioner.

11. He thus urged all Governments and non-governmental organizations (NGOs) represented in the Commission to submit information on the rights of refugees and displaced persons to the Centre in order to make reports more comprehensive.

12. Mr. OZDOIEV (International Association of Educators for World Peace) said that he wished to draw the Commission's attention to the gross violations of human rights of some 60,000 people of Ingush nationality living in the Vladikavkaz area of northern Ossetia. They had been deported to Kazakstan and Central Asia in 1944 and their territory divided between northern Ossetia and Georgia. When, in 1957, the Checheno-Ingush Autonomous Soviet Socialist Republic had been reconstituted, the Prigorodny region, where some 40 per cent of the Ingush population had lived before deportation, had remained, against the will of the Ingush people, part of the Republic of Northern Ossetia. As a result, their civic rights had been severely restricted and their human rights grossly violated.

13. In 1992, in the course of military operations and ethnic cleansing, more than 60,000 Ingush had been displaced, of whom more than 400 had been killed and 183 had disappeared without trace. More than three quarters of their houses had been destroyed or burnt and 16 villages razed to the ground. His organization had prepared a detailed report on those atrocities.

14. Over the past four years, a number of the Ingush had returned to the area, but they represented only a small fraction of those deported, and they were confined to what amounted to reservations without any guarantees for their security, freedom of movement or employment and without medical or social assistance. In the absence of any effective assistance from the Russian Federation, his organization saw no alternative but to appeal to the Commission to adopt a resolution providing for the dispatch of a mission to the Prigorodny and Vladikavkaz area to endeavour to establish the fate of the disappeared Ingush and to recommend measures for restoring their legitimate rights as a people.

15. Mr. CASTILLIO BARROSO (Movimiento Cubano por la Paz y la Soberanía de los Pueblos) said that, in the fiftieth anniversary year of the promulgation of the Universal Declaration on Human Rights, the Commission must cease to be an instrument of confrontation and become a centre for concertation and cooperation. His organization, which was completely independent of the Cuban Government, denounced the 36-year-old blockade against Cuba and its most recent recrudescence in the guise of the Helms-Burton Act, directed at the annihilation of the Cuban nation.

16. On specious grounds of "national security", the United States was treading under foot the most elementary principle of international law, the right to sovereignty, independence and self-determination. He expressed gratitude to the States that had condemned that assault upon sovereignty, and to the NGOs that had denounced the criminal blockade, and called upon the Commission to demand the lifting of the blockade.

17. It was most regrettable that States such as Nicaragua, which claimed to be democratic and pacifist should play into United States hands by abusing the Commission as a platform for the pursuit of discriminatory and confrontational policies.

18. Ms. LITTLE (Andean Commission of Jurists) said she welcomed the increasingly widespread adoption of the institution of ombudsman in the Andean region, where it had been incorporated into the Constitutions of Bolivia, Colombia, Ecuador and Peru, although as yet it was fully operational only in Colombia and Peru. In those two countries officials known respectively as Defensores Delegados and Defensores Especializados provided valuable assistance to the ombudsmen in specific priority fields, for example, the protection of women's rights, in the case of Peru, even bringing inconstitutionality actions for the annulment of laws violating fundamental rights.

19. The situation of women in the region was, however, far from satisfactory, and there was a need for policies to achieve political and social equality for them as a State priority. Violence against women, especially family violence, continued to be a distressing problem. In Bolivia, according to official figures, 75 per cent of complaints of assault related to domestic violence; in Chile, 70 per cent of sexual violations in the home were committed by relatives or those with close links to the family; and in Ecuador, 78 per cent of females had experienced ill-treatment. Her organization recommended that specialized State bodies, particularly within police forces, should be established to deal with those problems.

20. Ms. REINA (World Christian Life Community) said that the humanitarian programmes recommended by the Special Representative in his 1995 report on the extremely grave situation of displaced persons in Colombia had still to be effectively implemented. It was estimated that, in 1996, some 181,000 people had been displaced as a result of internal armed conflict. Official expressions of good intentions had not been translated into concrete policies, and the victims were dependent for basic necessities on NGOs, development agencies and the Catholic Church.

21. Prevention was at least as important as cure, and she appealed to the Commission to request the Office of the High Commissioner for Refugees, in close cooperation with the Permanent Office of the High Commissioner for Human Rights in Colombia, to develop early-warning systems that might avoid the slaughter that preluded a mass exodus. Internally displaced persons, many of whom were women and children, were particularly vulnerable, and the Commission should request the Colombian Government to carry out a joint evaluation of protection programmes with the Special Representative.

22. Ms. SACKSTEIN (International Abolitionist Federation) said that the recommendations in the General Assembly report (A/51/39) pointed out that the 1949 Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others lacked an adequate monitoring body, and, in view of the fact that revision of the Convention itself would be a lengthy process, proposed, as an interim measure, that States parties should be asked to provide information the publicizing and analysis of which might encourage further implementation.

23. The Committee on the Elimination of Discrimination against Women, and the Committee on the Rights of the Child - a large number of victims were under 18 - might also have useful suggestions to make. She agreed with the suggestion in the report itself that trafficking might be included in the crime statistics furnished by Member States.

24. She applauded the work done by the Special Rapporteur on violence against women, whose report (E/CN.4/1997/47 and Add.1-4) drew attention to the possible relevance of such international instruments as the International Covenant on Civil and Political Rights. The Special Rapporteur also stressed the need for the different camps of activists and Governments to engage in a constructive dialogue to develop international standards and mechanisms to provide redress for women victims. Her organization strongly recommended that the Special Rapporteur's mandate should be renewed and should include a study of violence against women by the State and during armed conflict.

25. Mr. BHAN (International Institute of Peace) said that the estimated 30 million displaced persons had come to outnumber the 18 million refugees who had crossed international frontiers. As a Kashmiri, he wished to draw attention to the pathetic situation of more than 400,000 persons, including Muslims, Hindus and Sikhs, who, having been driven out of their homes in the Valley of Kashmir by armed terrorists and mercenaries, were entering upon their eighth year of exile. They had been deprived of their basic rights; more than 20,000 of their houses had been burnt down and looted to prevent their return; and their land had been ravaged, as had their places of worship and pilgrimage.

26. Since the Government of Jammu and Kashmir had begun to talk of the possible return of displaced persons, fundamentalist terrorists and mercenaries had intensified the destruction of Hindu houses and had expelled many moderate and secular Muslims. His organization appealed to the conscience of the world community to support the restoration of all those victims to life with dignity, security and freedom of faith and religion to their homeland.

27. Ms. ARAUZ (International Council of AIDS Service Organizations), drawing the Commission's attention to the Guidelines on HIV/AIDS and Human Rights adopted by the Second International Consultation (E/CN.4/1997/37, annex I), said that States should adopt measures to reduce the vulnerability, stigmatization, and discrimination, which were major causes of the transmission of the HIV virus and compounded the suffering produced by AIDS. Women, youth and other vulnerable groups should be empowered, and States should enact or strengthen laws protecting vulnerable populations. Together with community and religious leaders they could also promote more open discussion about HIV/AIDS. He urged the Commission to take the Guidelines as a blueprint for action, encourage States to implement them and request other United Nations bodies to incorporate them into their activities.

28. Mr. WYLER (International League for the Rights and Liberation of Peoples) said that Kurdish refugees from Turkey in 1994 had been installed in two camps under UNHCR protection in Iraq. Although conditions in the camps were primitive, 14,000 people, mainly women, children and old men were still living in them in January 1997, when the High Commissioner had abruptly decided to terminate her humanitarian activity there. Consequently, 150 Kurds had organized an unlimited hunger strike in Geneva and held daily discussions with a delegation from the High Commissioner's Office. On 24 January, the High Commissioner had promised to maintain the camps under her protection - a promise that had not been kept.

29. His organization had recently learned that the population of the camps, refusing to return to Turkey, had been dispersed throughout the region, 3,000 refugees being currently in the town of Sexan, 100 kilometres from Mosul, where they were being provided with food and humanitarian aid by Baghdad. Seven thousand persons from the camp were being assisted by the local Kurdish population, but the food problems were immense, and there was no longer any protection by UNHCR or Kurdish organizations.

30. In April 1989, the Government of Mauritania had deported more than 100,000 of its Negro-Mauritanian citizens to Senegal and Mali, humanitarian assistance to whom, by UNHCR, had been terminated under pressure from the Mauritanian regime. The consequence was that children were starving in the camps and women were prostituting themselves for food, while supplies rotted in UNHCR stores or, it had been alleged, were sold to commercial firms. Although aware that the Mauritanian regime did not wish its citizens to return home, UNHCR had been endeavouring to persuade the deportees to do so, claiming, erroneously, that all conditions for their security had been fulfilled.

31. His organization had thus two questions for the High Commissioner for Refugees: was an international humanitarian institution entitled to abandon a defenceless population and was it ethically acceptable that such an institution should make promises that it did not keep?

32. Mr. PERESZ BERRIO (American Association of Jurists) said that, during 1996, a total of some 181,000 people, had been forcibly displaced in Colombia, making the total displaced population since 1985 approximately 1 million. In some regions, leaders and supporters of opposition parties and

political movements had been systematically assassinated or obliged to leave the region. Very recently, there had been displacement of over 3,000 peasants to the township of Mutatá, in addition to the 7,500 who had been driven from their lands by armed conflict since the beginning of the year.

33. Responsibility rested with the State whose primary duty was to guarantee the fundamental rights of its citizens. Moreover, armed groups of paramilitaries were operating with the toleration of the Government. A problem of that magnitude should be of grave concern to the international community. The Permanent Office of the High Commissioner for Human Rights in Colombia should be established as soon as possible. In conclusion, he paid tribute to the efforts of the Special Representative to establish a normative framework for dealing with the problem.

34. Mr. Somol (Czech Republic) took the Chair.

35. Mr. PATANJALI (Indian Council of Education) said that the Voluntary Fund for Technical Cooperation should be further strengthened, and that advisory services should give particular emphasis to human rights education and information programmes particularly in developing countries, where hunger, poverty and illiteracy were major obstacles to the implementation of the Universal Declaration on Human Rights.

36. The report on technical cooperation (E/CN.4/1997/86) emphasized the need to consolidate system-wide efforts, and the High Commissioner had recognized the importance of the integration of human rights, including the right to development, into the full range of such activities. Given that, out of 44 projects of technical cooperation, only 6 were in Asia and the Pacific, the Centre for Human Rights should make special efforts to extend its activities in those areas.

37. Concrete action should be taken at the international level to codify the rules and promote cooperative arrangements not only among developing countries but also between developing and developed countries; at the national level, each developing country must ensure that its positive law incorporated the fundamental rights defined by the international community and take steps to guarantee respect for them, and the need to ensure human rights protection should always be one of the factors determining development policies. The Centre for Human Rights should collaborate with NGOs in designing specific programmes, taking into account each country's economic, social and cultural characteristics.

38. Monsignor EMMANUEL (International Peace Bureau) said that, as Vicar-General of the Roman Catholic Diocese of Jaffna, he wished to testify to the sufferings of the Tamil people in Sri Lanka, as a direct result of violations of the rules of war by the country's Government. Since the Special Rapporteur's report on internally displaced persons in Sri Lanka to the fiftieth session of the Commission in 1994 (E/CN.4/1994/44/Add.1), the situation had dramatically deteriorated. Military operations, starting in July 1995, had uprooted thousands of people, and a further series, in October 1995, had driven half a million people from Jaffna. Yet another military offensive in April 1996 had forced the displaced to return to Jaffna,

where a curfew had been imposed, accompanied by restrictions on movement, and a high incidence of rapes and arrests. He also drew attention to the plight of the 800,000 Tamils who had fled from Sri Lanka since the holocaust of July 1983.

39. The immense suffering caused by that "war for peace" called for urgent action by the international community. He appealed to the Commission: to condemn the war and discourage all international aid by way of personnel, finance and armaments; to dispatch a fact-finding mission to the north and east of the country, and to take immediate measures to save the survivors from the slow deaths they were facing; and to urge the Government of Sri Lanka to stop the war and, with the help of the High Commissioner for Human Rights, to create conditions for peace talks between the parties to the conflict.

40. Ms. LACROIX (World Organization against Torture) said she was surprised that no mention was made of the Committee against Torture in the report on integrating the human rights of women throughout the United Nations system (E/CN.4/1997/40). The lack of information on action by the Committee on the recommendations of the Sixth and Seventh Meetings of persons chairing human rights treaty bodies was the more regrettable in view of the reports of acts of violence against women received by her organization.

41. For example, in November 1995, the Parliament of the Islamic Republic of Iran had promulgated a new Penal Code providing, among other punishments, for 74 lashes for women not respecting the dress code. In Tunisia, reliable sources reported that women with family or marital ties with political refugees in Europe had been sexually assaulted when under arrest. There were also reports of sexual assault upon women by the police in Chad, Egypt and in western Nepal where the repeated outrage suffered by a Tibetan woman in 1996 had not led to criminal prosecution of those responsible.

42. As the Special Rapporteur had commented in his report to the Commission's fifty-second session (E/CN.4/1995/34), the chances of impunity were disproportionately higher in cases of torture involving sexual violence against a woman than in other cases of torture. Her organization thus called upon the Commission to take all the necessary steps to ensure that both institutional procedures and procedures under conventions in the struggle against torture dealt specifically with violations involving women.

43. Ms. McCONNEL (North-South XXI) said that, in the Tamil homeland in the north-east of Sri Lanka, the human rights of Tamil women were being systematically violated by the occupying Sri Lankan army. Despite strong family and community pressures to prevent reports of rape, local NGOs had been able to document 33 cases by Sri Lankan security personnel in that area alone between August 1994 and March 1997, 150 cases had been reported to human rights groups in the south of the country. The existence of secret places of detention by the security forces had been documented in the British Refugee Council report of February 1997, and women detainees in Colombo had been hung naked, upside-down, beaten and raped.

44. The rape of women belonging to a persecuted racial or ethnic group constituted racial discrimination as well as violation of women's rights. At least three reported cases involved not only rape but murder. Violations of

Tamil women's rights had not resulted in effective legal action against the alleged perpetrators, and in the exceptional cases where perpetrators had been brought to trial, the victims had failed to appear in court for fear of their lives.

45. The widespread pattern of rapes, assault and murder could no longer be explained as the result of individual acts of indiscipline, and it was difficult not to conclude that the "war for peace" waged by the Sri Lankan Government was genocidal in intent. She urged the Commission to deplore the systematic use of rape as a weapon of war by the Sri Lankan armed forces, and to call for their withdrawal from the Tamil homeland as a first step in a meaningful peace process.

46. Mr. QADRI (World Muslim Congress) said that the Indian occupation of Jammu and Kashmir had caused a mass exodus of some 2 million Kashmiris, which had been completely ignored in international reports. Much, however, had been made of the exodus of the Kashmiri Pandits, who had left the territory at the direction of the then Governor as a propaganda ploy. Kashmiris were ready to welcome their return and rehabilitation.

47. He drew the attention of the Special Rapporteur on violence against women to the plight of women in Indian-occupied Kashmir, where rape was deliberately used as a weapon of war. Scores of women were also living in captivity in torture cells.

48. National institutions, which could make an important contribution to the promotion and protection of human rights, were, unfortunately, sometimes cynically used to cover up human rights violations. An example was the Human Rights Commission of India, which annually eulogized its activities before the Commission on Human Rights, whereas the various reports of the special rapporteurs gave a true indication of the scale of violations of those rights in Indian-held Kashmir, which were also reflected in reports by Amnesty International, Asia Watch and other credible organizations.

49. He regarded the suggestion by the Government of India, in paragraph 14 of the report on national institutions (E/CN.4/1997/41), that the institutions should be assigned independent seating space and separate speaking time at Commission sessions as disingenuous in view of its unwarranted interference with their independence and freedom.

50. Ms. PARKER (International Educational Development, Inc.) said that there were currently 34 wars and a score of conflict situations throughout the world that were causing mass exodus and internal displacement, the worst situations being those in Sri Lanka, the Great Lakes region of Africa, Kashmir, and Liberia.

51. Turning to the problems in Cyprus, she said that, while 200,000 Greek Cypriots had been forcibly expelled from their homes by the Turkish authorities, more than 100,000 persons had been settled in the Turkish-controlled area, in clear violation of article 49 of the Fourth Geneva Convention.

52. In Myanmar, mass displacement of the Karen and Karenni people by the illegitimate State Law and Order Restoration Council (SLORC) had been accompanied by the slaughter of over 2,000 persons. The Commission resolution on Myanmar should strongly condemn those actions, and request that urgent steps be taken either by dispatching a delegation of its own or ensuring that some other strong United Nations presence was maintained there.

53. She hoped that the Peace Agreements in Guatemala would result in genuine peace and social process. The process would, however, have to be carefully monitored, and it was imperative that the work of the Independent Expert should continue for at least a further year.

54. Mrs. FENG Cui (All-China Women's Federation) said that the Commission should give priority to the fundamental issues of human rights such as the right to subsistence, to employment and to development but, regrettably, it had not adequately recognized those priorities in its working programme, agenda, and allocation of sessional time. Gender analysis, in particular, had been neglected.

55. It was also regrettable that the participation of NGOs from developing countries remained very limited. They did not stay away for lack of interest in human rights but because of financial difficulties. She hoped that the international community, and the Centre for Human Rights in particular, would intensify efforts to facilitate their participation and make further resources available to them. Moreover, in spite of the emphasis placed by the Vienna Conference on the importance of a cooperative approach to international problems, NGOs from a few western countries had used human rights issues as a pretext for interfering in the internal affairs of sovereign States. She strongly appealed to the Commission to correct that abnormal situation as soon as possible.

56. Although the international community had made great efforts to promote and protect women's rights, the brutal crime committed by Japanese militarists in forcing Asian women, mainly Chinese, into sexual slavery remained unredressed. A few Japanese politicians were still seeking to evade their responsibility and even to deny the commission of that crime.

57. Her organization had been conducting a range of activities in such fields as literacy, poverty-alleviation, re-employment, and political empowerment for women in rural and urban areas, and promotion of the gender perspective in the follow-up to the Fourth World Conference on Women. It would continue to cooperate with the international community and other NGOs to advance the promotion and protection of women's rights.

58. Ms. MANN (Liberation) said that over 150 cases of rape and sexual assault on Tamil women by Sri Lankan security forces and paramilitary groups had been reported over the past year, and they probably represented only a fraction of the outrages committed. The failure of the Sri Lankan authorities even to investigate complaints, and the resulting impunity of those responsible were also a cause for grave concern. It appeared that such crimes were not committed merely by undisciplined soldiers but were part of a systematic attempt to terrorize and subjugate the Tamil people.

59. The Sri Lankan army should be withdrawn from the Tamil homeland, and the Special Rapporteur on violence against women should visit the area and report her findings to the Commission. In spite of the expression of concern by the Secretary-General in November 1995 about the massive displacement of some 400,000 Tamils in the north of Sri Lanka, the numbers had subsequently increased to around 825,000, and NGOs had been hindered from providing food and medical supplies to the displaced by the Sri Lankan authorities.

60. She urged the Commission to call upon the Sri Lankan Government to lift the economic blockade and the embargo on essential food, fuel, farm inputs, medical supplies and cash, and to permit the local and international media, and relief agencies and NGOS to make an objective assessment of the situation in the conflict areas.

61. Mr. HUSSEIN (Malaysia), welcoming the High Commissioner's efforts to restructure the Centre for Human Rights, emphasized the importance of the continued strict observance of the principles of impartiality, objectivity and non-selectivity. Advisory services, technical cooperation and monitoring activities should be dealt with by separate divisions and the various focal points on racism, women and children should be established as soon as possible. If closer links were established between human rights bodies and the Bretton Woods institutions, States should be given more detailed information about any negotiations, and no human rights conditionalities should be attached to loans and assistance by those institutions. Discussions with them should, rather, concentrate on the human rights implications of their policies, such as structural adjustment programmes.

62. His delegation attached great importance to the work done through the special procedures system, which required sufficient staff and resources to ensure that reports were presented on time, and ample time given for Governments to respond to inquiries. Investigations must be firmly rooted in neutrality, impartiality and objectivity and should not be inquisitorial; due recognition must be given to national and regional particularities; privileges and immunities of special rapporteurs and other representatives should be invoked only in the performance of duties; and no statements should be made to the media until the findings had been considered by the Commission.

63. His delegation believed that traditional forms of bilateral human rights technical assistance, which emphasized the political aspect, were outdated. The universal values of human rights were deeply rooted in diverse civilizations at different stages of political, economic, and social development - factors which must be taken into consideration especially in relation to developing countries.

64. Emphasis should be placed on the human aspect of assistance, which should be directed to cooperation rather than confrontation and aim at establishing a long-term people-to-people relationship. The developed countries should support their NGOs in meeting with NGOs and representatives of developing countries and dispel the traditional perception that the latter were bereft of any relevant human rights experience.

65. Mr. AKAO (Japan) said that one of the main purposes of the Amman Workshop for the Asia and Pacific Region had been to strengthen the role of technical cooperation, and he welcomed the decision to establish a working group to propose, in consultation with human rights bodies and NGOs, a regional cooperation programme. Japan would continue to hold annual regional symposiums on human rights. His Government had established a national Headquarters to draw up a national action plan under the Decade for Human Rights Education.

66. The promotion and protection of women's rights was one of his Government's top priorities, and it had prepared a Plan for Gender Equality 2000. It had also contributed US$ 1 million to the UNIFEM Trust Fund to Eliminate Violence against Women, a report on the activities of which was contained in document E/CN.4/1997/8.

67. On many occasions, his Government had expressed its apologies and remorse to the former "comfort women" and had established the Asian Women's Fund to atone for offences against their dignity and honour. It was bearing the full operational cost of the Fund and providing all possible assistance to its fund-raising activities. As of March 1997, some 470 million yen (US$ 4 million) had been contributed by the Japanese people. Atonement money had been offered to the Philippines in August 1996 and the Republic of Korea in 1997, in which countries medical and welfare support projects had been initiated with government funds. The Fund had also concluded a Memorandum of Understanding with the Indonesian Government to build facilities for elderly people, particularly seriously ill women.

68. Further improvements were needed to enable the Centre for Human Rights to cope with its increasing workload. His Government welcomed the WEBSITE project and had contributed US$ 100,000 in each of the past two years to support information management at the Centre; the delayed computerization programme should be initiated as soon as possible.

69. Field operations were an important means of protecting human rights in areas of armed conflict, and his delegation deplored the killing of human rights officers in Rwanda. His Government had contributed US$ 200,000 to the Centre for field operations in Yugoslavia and the same amount for operations in Rwanda.

70. Mr. CHOWDHURY (Bangladesh) recalled that his Government's decision to establish a national human rights commission, supported by the United Nations Development Programme (UNDP) and the Office of the High Commissioner for Human Rights, had been announced by the Minister for Law, Justice and Parliamentary Affairs in his address to the current session of the Commission. He hoped that the needed financial and technical assistance would be provided as a matter of priority through the Centre for Human Rights. His Government had also been actively participating in establishing a regional cooperation programme for the promotion and protection of human rights in the Asia and Pacific region, as recommended by the Kathmandu and Amman workshops.

71. It was of the utmost importance that the Centre for Human Rights, which had a major coordinating role to play, should be provided with regular staff, adequate to its needs and efficient functioning, as recommended by the

General Assembly. The staffing of the Centre should reflect the principle of equitable geographical distribution. It was widely held that appointments on secondment from Governments or on a short-term basis could affect the independent functioning of the Centre, and similar considerations applied to the appointment of Junior Political Officers, if assigned to sensitive political tasks. All posts should be openly advertised and information respecting them disseminated to all States before appointments were made. Briefing meetings, including those with donors should also be made accessible to all Member States, who should also receive information, indicating the share and respective allocations of the regular budget component and voluntary contributions.

72. His Government welcomed the increasing attention being given to the protection of women's rights, and was making every effort to integrate women into social, economic and political life. Legislation was being introduced for the direct election of women at all levels of local government, and 10 per cent of the seats in Parliament had already been set aside for them. Women's empowerment had also been significantly supplemented by the initiatives of the private sector.

73. With regard to mass exodus and internal displacement, his delegation believed that there were minimum guarantees so basic that all human beings were entitled to them. They should apply not only to countries required to provide asylum but also to the countries of origin.

74. Mr. KARIYAWASAM (Sri Lanka) said that his Government had established the Human Rights Commission of Sri Lanka, which had the unique feature of providing for representation of the major ethnic groups. It was vested with wide-ranging monitoring functions, and with investigative, mediation and conciliation functions. It was also required to ensure that national laws and administrative practices were in accordance with international standards, and to promote awareness of fundamental rights. Provision had been made for it to receive complaints not only from individuals but also from groups, and there was a requirement to report all arrests and detentions under emergency regulations within 48 hours.

75. With regard to paragraph 41 of the report on national institutions (E/CN.4/1997/41), relating to the participation of national institutions in the Commission's meetings, he hoped that, whatever arrangements were made, they would respect the independent status of the institutions. He also recognized the important role played by the Centre for Human Rights, which should be given the resources necessary to continue the provision of technical assistance.

76. The situation of internal and displaced persons in Sri Lanka, aggravated as it was by continued insurgency in the north and east and acts of terrorism perpetrated by the Tamil Tigers, remained a major cause of concern to his Government. The liberation of the Jaffna Peninsula from years of brutal control by the Tamil Tigers had been preceded by the forcible removal of a large number of civilians by the Tigers to the south. Most of them had since voluntarily returned and, by the end of 1996, 400,000 had been resettled in the peninsula.

77. In spite of isolated acts of terrorism, strenuous efforts were being made by the Government to rehabilitate Jaffna with international assistance, especially under an agreement signed with UNDP. It was estimated that, at the end of 1966, there were 782,000 internally displaced persons in 25 districts of Sri Lanka, which included not only Tamils and Muslims but also Sinhalese displaced by the armed conflict and the practice of ethnic cleansing by the Tigers. The Government, assisted by international agencies and national and international NGOs, continued to provide humanitarian relief to all displaced persons. With the restoration of civil administration in Jaffna, the people would once again be able to express their opinions freely and re-enter the democratic process, as was evidenced by the opening of offices by three Tamil political parties.

78. His delegation welcomed the report on human rights and terrorism (E/CN.4/1997/39) and associated itself with the views expressed by other speakers. Many Sri Lankan civilians had undergone immense sufferings during the past decade as a result of terrorism, but it was only recently that the international community had come to recognize the human rights of the victims. He welcomed the initiative taken by the G-7 and the Russian Federation to deal with that phenomenon but was concerned that some NGOs were still failing to treat it properly.

79. Mr. Joun Yung SUN (Republic of Korea) said that the special vulnerability of women to human rights abuses had been driven home at the Beijing Conference, and his delegation wished to commend the Special Rapporteur on violence against women for her valuable contribution and reiterated its support for the extension of her mandate.

80. The military sexual slavery imposed by the Japanese upon the so-called "comfort women", the vast majority of whom had been Korean, continued to be a very painful memory for the people of his country. Unfortunately, that issue had not yet been resolved and he drew attention to the recommendations in the Special Rapporteur's report (E/CN.4/1996/53/Add.1) setting out specific guidelines for a solution. They included acceptance of legal responsibility by the Japanese Government, written public apologies to individual victims, and the amending of education curricula to reflect the historical realities.

81. The ILO Committee of Experts on the Application of Conventions and Recommendations had also recognized the legal responsibility of the Japanese Government and recommended that it should continue to take responsibility for measures to meet the expectations of the victims. Regretfully, however, no significant steps had been taken over the past year to implement such recommendations, and grants from the Asian Women's Fund were not regarded by victims as an acceptable alternative to compensation paid directly by the Japanese Government.

82. Mr. van WULFFTEN PALTHE (Netherlands), speaking on behalf of the European Union, the Central and Eastern European countries associated with it and the associated country of Cyprus, said that technical cooperation and advisory services bore the prime responsibility for promoting and protecting human rights, and programmes in that field should be based on a proper definition of the problems to be addressed.

83. There was a special need for human rights training for military and paramilitary personnel, acting in times of civil unrest, where they could speed the transition to the establishment of the rule of law. To that end, United Nations bodies should develop a system-wide approach drawing on the skills and resources of the various agencies, including the Centre for Human Rights.

84. Some examples of country and regional specific programmes included the programme for the restoration of democracy in Haiti and Cambodia and the contributions made to the signature of the Peace Agreements in Guatemala. Such programmes needed a sound financial basis, which would require an increase of the human rights allocation in the regular budget and from the Voluntary Fund, to which the European Union and its member States had been and would remain major contributors.

85. Much remained to be done to ensure that donors had full confidence that the best use was being made of their contributions. A reliable reporting system - designed by the former Administrator of the Voluntary Fund - had not yet been fully implemented, and procedures should be brought into line with those prevailing elsewhere in the United Nations, notably in UNDP.

86. Another crucial element in the successful operation of advisory services was commitment on the part of the receiving Governments, which should pay more attention to what their own experts and civil society recommended respecting the advantages to be derived from the proper use of such services.

87. Mr. PAK DOC HUN (Democratic People's Republic of Korea), speaking in exercise of the right to reply, said that the representative of Japan had tried to give the impression that something had been done to redress the crime committed by the drafting of 200,000 girls and women for sexual slavery to the Imperial Army, but in fact the Japanese Government was continuing to evade its responsibility. The Asian Women's Fund was a private fund, whereas crimes committed by the Japanese State should be paid for by the Japanese State. As a representative of an NGO had said, what the former "comfort women" demanded was the recovery of dignity not charity money.

The meeting rose at 12.05 a.m.